

IN THE SUPREME COURT
OF THE
STATE OF INDIANA

IN THE MATTER OF)
) Cause No. 98S00-1601-DI-12
ANDREW U. D. STRAW) *In Re Straw*. 68 N.E.3d 1070 (Ind 2017)
Attorney Number 23378-53)

PROPOSED ORDER

This Court, having reviewed the pleadings and cognizant of this Court’s Admission and Discipline Rules, hereby finds and ORDERs as follows:

FACTS

1. While the hearing officer report does not mention it, Andrew Straw was the statistical analyst of the entire Indiana judicial branch and was hired as an expert on legal and court statistics by the Chief Justice of Indiana.
2. Straw was hit by a reckless driver on his way to the Indiana Supreme Court to work on 2/22/2001. That reckless driver broke both of Andrew Straw’s legs and his pelvis, not to mention his nose, ribs, and hand. That reckless driver who crossed into Straw’s lane and hit him head-on at 60 mph did not even get a traffic ticket for her actions. Kristin D. Jones has had many driving convictions since that time.
3. Straw has mental disabilities from being poisoned as a child and *in utero* at Camp LeJeune, where he was born, and Naval Air Station, Jacksonville, Florida, where he was conceived. Both of these bases were designated U.S. EPA Superfund sites in 1989 and both continue to have this designation because they are STILL not cleaned up. Straw was denied the benefits of the “Camp LeJeune Family Member Program” in 2018 even though he was ordered onto the base by the base commander and was born in the base hospital. *Straw v. Wilkie*, 18-7129 (CAVC).
4. When Straw, then our Statistical Analyst serving the Supreme Court and 400 other lower courts, passed the Indiana Bar Exam in 2002, he was subjected to a hearing before a large panel of people, most of whom were his colleagues at this Court. This Court acknowledges that being forced to talk about having bipolar disorder as a condition of being granted a law license and being forced to talk about the worst times when he had symptoms would have been extremely embarrassing and painful for anyone with this illness.

5. Straw only was allowed to have a law license by forcing him to agree to having his psychiatrist send quarterly reports about his illness. This represented a prospective 5 years of reporting.
6. Straw waited until the *Tennessee v. Lane* case in 2004, which showed that state courts are covered by Title II of the ADA. Once that decision was handed down by the U.S. Supreme Court, Straw objected to an ORDER to show cause issued by the Indiana Board of Law Examiners.
7. When Straw explained that the reporting and other conditions were discriminatory, the Board backtracked and removed all conditions.
8. We also note that the State Court Administration office took away Straw's handicap parking when he was still in extreme pain from his car accident, inflicting pain on him in an obvious attempt to force him to quit. To his credit, Straw did not quit, showing himself to be every bit the Marine his father is. Straw hobbled to work and continued to provide service to the People of Indiana.
9. Immediately after Straw was humiliated with this hearing and conditions on his new license, Straw was fired, but the firing letter did not provide details, only attacks on Straw's abilities and his integrity, but with no substantiation.
10. This Court has not refuted Straw's allegation that he was being considered for a promotion immediately before his car accident and that this promotion was never mentioned again after he came back to work.
11. Straw was a national finalist in the Imagine E-Government award competition, one of 8 selected by Harvard's Kennedy School of Government for his idea to set up a state and national real-time database of protective orders. This Court took this idea and built it with federal funds five years later but did not give Straw any credit or any mention. Straw invented that database in a White House contest announced by President Clinton on June 24, 2000.
12. Straw was an exceptional employee, reaching out and helping disabled members of the bench and public. Several months after Straw was fired, he was praised in the Weighted Caseload Study conducted by the Indiana Judicial Center.
13. There was not agreement across the court agencies that Straw was a bad employee. This Court finds that he was an excellent employee and should not have been fired. He was fired after he took an FMLA leave and fired immediately after the hearing about his bipolar disorder. It is obvious that he

was fired for discriminatory and illegal reasons.

14. This Court agrees that this foundation of discrimination cannot be disputed and this Court accepts as true everything in Straw's Petition for Redress of Grievances for ADA violations he submitted to the Court in 2014.
15. Straw also submitted that same petition to the Indiana legislature, both houses, via email.
16. The Petition showed that Straw was faced with continual discrimination and hostility as a factual matter from 2001 through 2014. In 2011, the State Court Administrator chastised Straw for making comments to a South Bend Tribune newspaper reporter. Lilia Judson said Straw was a "disgruntled ex-employee" who had no authority to comment about court statistics. But Straw was more of an expert than Judson, who was not the statistical analyst for the entire Indiana judicial branch. Straw's views on court statistics should have been encouraged and rewarded instead of attacked.
17. After Straw's Petition found its way to the Indiana Supreme Court ADA Coordinator's desk, sent there by the Clerk of Court, the ADA Coordinator attacked Straw, his mental disability from Camp LeJeune, his Petition, his ADA cases, and Straw's competence.
18. This disciplinary case would not exist but for the ADA Coordinator making that complaint in retaliation just days after Straw's Petition reached her.
19. Once the Disciplinary Commission received a retaliatory complaint like this, it should have dismissed it outright. Choosing to attack a disabled former Court employee in retaliation for his complaints was illegal.
20. It was a bad decision in 2015 to allow this to go beyond the ADA Coordinator, who should have been punished under Rule 8.4(g) for her disability discrimination.
21. Straw attempted to stop this, rightly so. He filed *Straw v. Indiana Supreme Court, et. al.*, 1:15-cv-1015-RLY (S.D. Ind. 1/28/2016).
22. The federal judge pretended that the disciplinary complaint could not retaliate against a Petition that dealt with discrimination from 2000-2002. However, he did not consider the actual words in the disciplinary complaint, which stated that Straw's disability is the first reason for the complaint. He did not consider that the ADA coordinator attacked ADA cases Straw filed in 2014. He did not consider that the disciplinary complaint did attack the Straw Petition.

23. So, the federal judge ignored everything in the actual retaliatory disciplinary complaint and dismissed on this fiction that she did not retaliate against anything within the 2 years prior to the disciplinary complaint. But she did. She directly impugned Straw's bipolar disorder that was the REASON for the discrimination in that 2002 hearing and the conditions originally on Straw's license requiring psychiatrist reports every quarter for years. That one line invoking Straw's disability and attacking made the ADA coordinator's disciplinary complaint tie together her attack with the attack on Straw's disability from 2002 to 2006, repudiated by Straw's license becoming unencumbered in 2006 after Straw cited to *Tennessee v. Lane*.
24. We assigned James R. Ahler as a hearing officer and Straw objected to the way Ahler was conducting his process. Straw refused before, on the day of, and after Ahler's *in-absentia* hearing.
25. Unfortunately, Ahler proved his unreliability and justified Straw's objections to him. Ahler waited 6 months to submit his report when the time limit, not discretionary in the Rules, was 30 days.
26. Ahler applied for a federal bankruptcy judge position that he knew was to be hired by the Judicial Council of the 7th Circuit.
27. Straw sued again, this time for the first time with Ahler as a defendant. *Straw v. Indiana Supreme Court, et. al.*, 1:16-cv-3483-JMS (S.D. Ind. 2/16/2017).
28. Straw's federal trial judge was on the Judicial Council that was considering Ahler for that federal judge position. She first dismissed Straw's case and then removed herself. When Straw appealed, the only grounds that stuck was *res judicata*, and **Ahler was never a defendant in the case Straw filed in 2015** with Judge Young presiding. Also, the discipline was never considered on its face for ADA violations, even though this Court did attack Straw's ADA cases.
29. Ahler was hired and started work on June 15, 2017 while he was still Straw's appellee. *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7th Cir. 7/6/2017). He became a federal judge with a 14-year term and millions in salary, but Straw has had to live with poverty, libel against his reputation, false accusations of crime, and false insinuations that Straw is insane. The Chief Judge of the 7th Circuit who took a personal interest in libeling Straw and denying him justice was the one who announced Ahler's hiring. http://www.ca7.uscourts.gov/news/positions/2017_appt_Judge_Ahler.pdf
30. Federal judges have invoked *In Re Wick* against Straw and that case was about an attorney who stole money from his client, millions of dollars. Federal judges have on multiple occasions invoked *Lee v. Clinton*, a case about an "insane

appellant” who the 7th Circuit ridiculed and denounced. Further, Straw was so frustrated by his being attacked and violated that he wanted his federal licenses simply to be rescinded under his First Amendment right to boycott Midwest courts. He was denied even this, accused of a frivolous appeal when 2 U.S. District Courts already granted this to him (WIWD & ILND). This just shows the unique level of extreme hostility to Straw and how his constitutional rights are flogged and denied capriciously and without any sound reason. *Straw v. U.S. District Court*, 18-2192 (7th Cir. 2018).

31. Further, Straw asked for ADA rights to have public sidewalks cleared of snow, as the FHWA said was his right from its DC Civil Rights office, but the hostile judges of the 7th Circuit again denied him in an unbelievable false ORDER that violates every right to clear sidewalks disabled people have in three states. *Straw v. Streamwood, et. al.*, 17-1867 (7th Cir. 2018).
32. Finally, when Straw filed two other cases to address the discrimination of the State of Indiana, one was dismissed when the district court would not do the service it promised to Straw. *Straw v. Indiana*, 1:17-cv-1797-WTL (S.D. Ind. 2018). The other allowed perjury by the Indiana Attorney General, stating falsely to the federal court that Indiana had 29 days to answer after the U.S. Marshal made service when the actual deadline under FRCP Rule 12(a) is only 21 days. *Straw v. Indiana*, 1:17-cv-4158-WTL (S.D. Ind. 2018) (Dkt. 17). When Straw objected to this violation and appealed, the 7th Circuit banned him from using the federal courts. *Straw v. Indiana*, 18-2878 (7th Cir. Nov. 2018).
33. All of this unconstitutional mess is the direct result of ADA Coordinator Brenda F. Rodeheffer retaliating against Straw’s complaint. Straw has been insulted, humiliated to such a degree that it’s not just urine on a person for a short trip to the police station as in *Barnes v. Gorman*. This is Straw held underwater in a sewer for decades, kept alive by his own tenacity and refusal to allow this type of dishonest and corrupt system to be HIS system. It is obvious other disabled people face the same if he in his position experiences it.
34. Straw has filed other cases. He accused this Court of disability discrimination and he demanded \$46.5 million in Vermont. *Straw v. Indiana*, 2019-147 (Vt.).
35. Straw is suing the USA for its abusive federal courts attacking him and denying him justice. *Straw v. U.S. District Court, et. al.*, 1:18-cv-278-CMH (E.D. Va.)
36. Straw is suing the federal courts and the USA for the due process and court access violations inflicted on him, not to mention the libel of comparing him with a criminal who stole from his clients (no one even accused Straw of this)

or the insane appellant in *Lee v. Clinton*.

37. Everyone seems to forget that Straw was the sole in-house counsel for Alan M. Voorhees, a Virginia billionaire and WWII U.S. Navy frogman, prior to coming to the Indiana Supreme Court to work for the Chief Justice of Indiana.
38. There's nothing crazy about that or insane. It may seem strange that someone is so competent even while having such severe disabilities, but maybe Straw is not "insane" but instead extremely competent to a level beyond most people such that they do not understand him. Straw is in fact a member of the Triple Nine Society, the criterion for which is being tested at an IQ at or above 3 standard deviations above the mean. Only about **one person in 1,100** has an IQ this high by definition.
39. Straw has no criminal record and that shows the comparisons to *In Re Wick* are wrong and discriminated.
40. Straw may have a mental illness and he may need treatment now and then, but he did not make any filing that was untrue and no one has even suggested that he did. He did work for a WWII hero and billionaire and he did get training from the Council for Excellence in Government in DC. He did increase national security by working with programmers at Autometric who keep American air traffic safe from attack using satellites. Voorhees sold that company to Boeing in 2000, while Straw was his corporate counsel. <https://www.latimes.com/archives/la-xpm-2000-jun-02-fi-36490-story.html>
41. Just because the insane plaintiff in *Lee v. Clinton* talked about satellites and China and aliens and mind control and wore a tinfoil hat does not make what Straw did serving one of our national heroes of WWII untrue. It is disrespectful of Alan Voorhees' choice to hire Andrew Straw as his sole in-house corporate counsel. He did not fire Straw. He liked him and wanted him to stay. Strange as it may be that Straw's grandmother was Old Order Amish, that does not make Straw's work untrue. Truth is stranger than fiction, they say. That's the case here. It seems the more accomplishments Andrew Straw has, the more this Court's officers are astounded by them and accuse him of incompetence as a result. We apologize for our staff.
42. Just because some judge cannot comprehend the level of competence Straw has does not mean Straw is incompetent. It seems far more likely that a small-time bureaucrat holding the office of "ADA Coordinator" will abuse her office and attack someone who is being blacklisted for his disabilities. Far more likely that a witch hunt will ensue to justify that accusation of "incompetence" rather than carefully considering that Straw may have been doing legal reform and testing the limits of ADA law. This is what Straw did. If he lost a case, it

is not because he was incompetent. It is more likely that Straw in his extreme competence presented a case that the judge was unable to understand or refused to understand in bad faith.

43. Straw was right that disabled people should be protected from extortion by a newspaper trying to dig into his Medicare claims account. The Daily Herald newspaper in Chicago had no business using its lawyer and threatening \$1000 per day from Medicare so the newspaper could get access to Straw's Medicare claims account. *Straw v. Kloecker, et. al.*, 1:14-cv-1420 (N.D. Ind.) (Dkt. 42). Straw was right that disabled parents have rights and can sue a state court for violating parenting time rights and get an injunction and damages under Title II. *Rutherford*. The ADA, Title II, 42 U.S.C. § 12133 supersedes and amends the Anti-Injunction Act. Straw was right that the ABA should be requiring law schools to gather statistics (his specialty) on disability in law school admissions. Why? Because the same year he did this, the LSAT administrator, LSAC, was proven to discriminate. There was a national system of disability discrimination ingrained into law school admissions and Straw stepped up to address it with *mere statistics* the remedy but was unlawfully denied in bad faith over "STANDING" when any disabled person should have **standing as a tester** as a constitutional matter.
44. http://www.abajournal.com/news/article/lsac_to_pay_7.73m_change_lsac_policies_in_settlement_of_ada_suit
45. <https://www.justice.gov/opa/pr/law-school-admission-council-agrees-systemic-reforms-and-773-million-payment-settle-justice>
46. Straw had major organizations supporting what he did, and NONE of them accused him of incompetence. As time has gone on, more and more organizations support what he did as a disability rights leader, while our suspension of him was **illegal discrimination and retaliation**. Straw was supported by Medicare EDDI Office, the ABA, the National Council on Disability, Harvard Law School Admissions, and even the new ADA Coordinator of the Indiana Supreme Court now says that our policy is not to retaliate against any disability complaint.
47. In fact, Jennifer Weber, our new ADA coordinator, is right. The previous ADA coordinator was violating our policy against disability complaint retaliation and the only reason for allowing this was our continued hostility and unfair bias against Andrew Straw, our former employee who sacrificed his mobility in both legs and his pelvis to this Court and 400 lower courts.
48. Attacking Straw is nonsense. After seeing what Straw was working on, we should have given him *a medal* or a *Chief Justice Commendation* instead of

attacking him. If this Court had not been attacking him for nearly 20 years, his civil rights work would actually reflect highly on this Court because he became disabled physically because of us.

49. We suspended Straw on February 14, 2017, the anniversary of the massacre in Chicago. *In Re Straw*, 68 N.E.3d 1070 (Ind. 2/14/2017). Then we asked 5 other courts to suspend Straw. The U.S. District Courts for the W. District of Wisconsin, N. District of Illinois, N. District of Indiana, and S. District of Indiana all suspended Straw at our request with no hearing, just like Ahler gave no hearing.

50. The Virginia State Bar provided Straw with a fair hearing and has rejected what we did, calling it “a drive-by shooting.” The VSB criticized our ADA coordinator initiating this attack on Straw. VSB stated that Straw provided over 1500 pages of evidence and proved that he should not be disciplined by clear and convincing evidence.

<https://www.vsb.org/docs/Straw-062217.pdf>

In the present case, the complaints against the Respondent were made by the ADA Coordinator of the Indiana Supreme Court; and, just as the district court observed in *Anthony*, they have “**all the grace and charm of a drive-by shooting.**” *Anthony v. Virginia State Bar ex rel. Ninth Dist. Comm.*, 270 Va. 601, 606 (2005). Furthermore, although his complaints were dismissed and criticized by the courts in which they were filed, no complaint was ever made against the Respondent by a client or opposing counsel, and he was never sanctioned by any court for his conduct. ***

After due deliberation, the Board reconvened and stated its finding that the Respondent had proven, by clear and convincing evidence, that his conduct was not conduct that would have resulted in disciplinary action in the Commonwealth of Virginia. Accordingly, pursuant to Rule 13-24(C)(3) and upon consideration of the issues raised by the Respondent and the Bar, it is ORDERED that the Rule to Show Cause be and the same hereby is DISMISSED; and, it is further ORDERED that the Clerk of the Disciplinary System shall mail and attested copy of this ORDER to the Respondent * * *

51. Straw domesticated the VSB ORDER in Marion County Circuit Court. *Andrew U D Straw v. State of Indiana, by Governor Eric Holcomb*, 49C01-1905-CB-018991 (Marion Co. Cir. Ct. 5/10/2019). This VSB ORDER is now precedent in Indiana and must be enforced in every way.

52. This Court has two Admission and Discipline Rules provisions that attack disabled persons and prevent them from being lawyers without any finding

that they are a risk to a client. This is discrimination based on disability in its plainest form and it is worth citing these provisions because their attitude is consistent with what happened to Andrew Straw over the past 18 years of continuous disability discrimination.
https://www.in.gov/judiciary/rules/ad_dis/

53. Indiana Admission & Discipline Rule 23, Sections 2(c) and 3(b)
Section 2. Grounds for Discipline or Suspension

- (c) *Disability.* Any attorney who becomes disabled by reason of physical or mental illness or infirmity or because of the use of or addiction to intoxicants or drugs shall be subject to suspension by reason of the disability.

Section 3. Types of Discipline and Suspension; Notice of Orders and Opinions

- (b) *Disability suspension.* Any attorney found disabled by reason of physical or mental illness or infirmity or by use of or addiction to any intoxicants or drugs shall be suspended indefinitely for the duration of the disability.

LAW

54. The ADA Title II does apply to state courts. 42 U.S.C. §§ 12132 & 12133. *Tennessee v. Lane*, 541 U.S. 509 (2004). Straw is disabled and protected by the ADA, Title II. His law license is a constitutionally protected property interest as well as a privilege and immunity under U.S. Supreme Court precedent.

55. Because the ADA Title II applies to state courts, Title V also prohibits retaliation by state courts and their officers. 42 U.S.C. § 12203. The regulations implementing the ADA are identical. 28 C.F.R. § 35.134. The technical explanation of this regulation shows that individuals, public and private, are prohibited from retaliating. <http://www.ada.gov/reg2.html> (See explanation of 28 C.F.R. § 35.134)

56. Article VI of the U.S. Constitution makes the ADA as valid federal law under *Tennessee v. Lane* superior to every law and regulation in Indiana, including supreme court rules and the state constitution that created the state courts themselves. There is no valid legal argument against imposing the ADA to prevent the kind of attacks on a disabled person like Andrew Straw.

57. *Barnes v. Gorman*, 536 U.S. 181 (2002) provided \$1 million in compensatory damages under Title II of the ADA for one humiliating ride to the police station. Straw has been damaged much more than this. His demand in Vermont is correct after literally decades of deliberate attempts to make him seem incompetent when he is not incompetent. It is obvious that the pressure

of having a state supreme court hounding you will make any person feel anxiety and persecution. Straw should have been protected and we recognize the extreme emotional damage and pain that 18 years of discrimination and retaliation and attacks on his disabilities caused. There is no question that \$46.5 million is an appropriate amount to compensate what this Court did to Andrew Straw.

58. This Court wishes to make this clear as a matter of law. **ANDREW U.D. STRAW IS NOT INCOMPETENT.** He is highly competent, as his work for this Court showed, and he is trying to lead the entire nation toward more disability rights, not less. If others will not cooperate, this is not his fault and this Court and its officers will cease trying to discredit him and damage him.

CONCLUSION

59. There was an 18-year continuous stream of disability discrimination with several low points, including when our ADA Coordinator attacked Straw's Petition, which was an ADA petition. Further, there was no excuse for our hearing officer to wait 6 months after a fake hearing, apply for a federal judge job, and then allow the judges hiring him to exonerate him, both Judge Magnus-Stinson and the 7th Circuit. This is the most embarrassing violation of due process this Court has ever been involved in. Courts do not hire appellees. This Court does not hire appellees. Ahler should not have applied to be a 7th Circuit judge or continued with his candidacy while Straw was suing him at the 7th Circuit.

60. Straw had no due process from the ADA coordinator, the Disciplinary Commission, hearing officer James R. Ahler, and this Court for allowing these kinds of violations and **ratifying them.** Then, when Straw went after the violations in court, the Attorney General deputy committed perjury in one case, and in another case allowed Ahler to get hired by the 7th Circuit while she defended him at the 7th Circuit!

61. This Court was slammed by the U.S. Supreme Court 9-0 in 2019 because in a 5-0 nonsense decision, it restricted the 8th Amendment. *Timbs v. Indiana*, 586 U.S. ____ (2019).

62. Being rejected unanimously by the U.S. Supreme Court shows **this Court is incompetent** and has not protected the civil rights of citizens. Straw has experienced the same incompetence from this Court, attacking him and denying his civil rights time after time after time. It is no surprise that the **Attorney General would have deputies equally incompetent** when it comes to civil rights when Curtis Hill violates 4 women all in one evening in March 2018.

63. There is no grounds for attacking Andrew Straw's disabilities or work that can be construed as anything other than direct and purposeful disability discrimination and retaliation for his work and complaints.
64. The suspension was illegal and invalid from the moment of its being entered into the record on February 14, 2017. The State of Indiana must now pay Straw the **\$46.5 million** that the above record of extreme and intolerable abuse over 18 years justifies. The Indiana Treasurer will pay Straw this amount.

IT IS SO ORDERED.

I, Andrew U. D. Straw, verify that the above statements and conclusions and exhibits are made in good faith, are true and correct under penalty of perjury, and I arrived at them after inquiries reasonable under the circumstances. **May 13, 2019**

Sincerely,



s/ Andrew U. D. Straw
64711 Apple Ridge Rd
Goshen, IN 46526
(802) 552-3030
andrew@andrewstraw.com

CERTIFICATE OF SERVICE

I, Andrew U. D. Straw, certify that I have submitted the above PROPOSED ORDER to the Clerk of the Indiana Supreme Court in PDF format via the Indiana Supreme Court's E-Filing System, on **May 13 2019**. This MOTION was served to Indiana Attorney Disciplinary Commission attorney Angie Ordway and others on the service list on **May 13, 2019**, via that E-Filing system, Efile.incourts.gov.

Respectfully submitted,



s/ Andrew U. D. Straw
64711 Apple Ridge Rd
Goshen, IN 46526
(802) 552-3030
andrew@andrewstraw.com